23. Reconsideration of the rejection of the application is respectfully requested in view of the following remarks.

The Claims are Allowable Over the Prior Art

Claims 21-23 are rejected under 35 U.S.C. § 103(a) as being anticipated by Perkins, U.S. Pat. No. 5,159,592 in view of Higgins, U.S. Pat. No. 5,953,350. Reconsideration of this rejection is respectfully requested because the prior art fails to disclose a server or computer program that receives a network protocol address and identifier from one process, and receives queries of the address and identifier from another process to establish a point-to-point communication.

One embodiment of the present invention utilizes a dedicated server which acts as a network address/information directory from which calling processes can obtain information. When a first process connects to the network, the process logs-on to the server and provides the server with the network protocol address under which the first process is currently operating and a corresponding identifier. A second process, wishing to establish communications with the first process, connects to the server and requests the network protocol address under which the first process is currently operating. Upon receipt of the network protocol address of the first process, the second process establishes point-to-point communications with the first process.

Perkins discloses a method for managing mobile communication unit TCP/IP address assignment. The mobile units 10 do not retain fixed IP addresses. Therefore, a plurality of IP addresses are allocated to a global gateway 18. These allocated IP addresses are subsequently dynamically assigned by the global gateway 18 to

requesting mobile units 10 on a temporary or permanent basis, and are referred to as "pseudo-IP" addresses. *See* col. 4, ll. 49-65.

In the Office Action, the Examiner states that Perkins discloses all elements of claims 21-23 except the "point-to-point connection", but does not point out the specific components in Perkins that perform the functions. Applicants disagree that all the functionality is disclosed in Perkins, or that one component in Perkins functions as the "server" or "computer data signal" of the present invention. For example, the only device disclosed in Perkins that receives a network protocol address is the mobile unit 10, which receives such an address from the global gateway 18. However, instead of the mobile unit 10 receiving an identifier, the mobile unit 10 transmits an identifier to the global gateway 18. *See* col. 5, ll. 52-65. Further, the mobile unit 10 does not receive a query from another mobile unit or other process, and the mobile unit 10 does not provide the network protocol address to any other device.

On the other hand, the global gateway 18 receives an identifier from the mobile unit 10, and receives a query from a remote user for the pseudo-IP address of the mobile unit 10. However, the global gateway 18 transmits the pseudo-IP address to the mobile unit 10, rather than receiving it.

Although Perkins may disclose some of the functionality of claim 21-23 when multiple devices are considered, claims 21-23 require this functionality to be present in the same device or system. Specifically, the functionally of claim 21 must be performed by "a server", the functionality of claim 22 must be performed by "[a] computer data signal", and the functionality of claim 23 must be performed by "a computer system".

In addition, the Examiner cites secondary reference Higgins for the disclosure of a point-to-point connection, however the Examiner has not identified any teaching, suggestion, or motivation in the prior art to combine Higgins and Perkins other than that the disclosure of Higgins would "increase the reliability and efficiency" of Perkins. This reasoning is not understood.

Perkins discloses that "only permanently situated mobile units 10 having a registered, permanent IP address may rely on conventional IP methods for point-to-point network communication" *See* col. 7, ll. 49-53. Meanwhile, Higgins discloses that it allows "the user to employ the connectivity of the Internet to browse for remote video sources and, when a suitable remote source is located, the user can open a point-to-point isochronous user information path of guaranteed bandwidth and characteristics between the user's controlling client and the controlled client containing the video source for transmission of the video source to the user in real time and outside the Internet." *See* col. 15, ll. 5-13. The "isochronous user information path" is defined in Higgins as a "circuit connection". *See* col. 14, ll. 50-55.

It would not be technically feasible, nor would it provide any advantages to combine the circuit switch oriented point-to-point connection that is disclosed in Higgins with the system disclosed in Perkins, which strictly relies on packet-based communication and would have no use with a circuit connection. The factual inquiry whether to combine references must be thorough and searching, and must be based on objective evidence of record. *See* In Re Sang Su Lee, 277 F.3d 1338, 1343 (Fed. Cir. 2002). Instead, the Examiner has offered some generic reasons to combine Perkins

and Higgins that are not supported by the references. Therefore, Perkins and Higgins were improperly combined.

In summary, Perkins and Higgins, in combination, fail to disclose all of the functionality of claims 21-23, and Perkins and Higgins have been improperly combined. For at least these reasons, claims 21-23 and thus the application should now be allowable.

Conclusion

Applicants respectfully request favorable action in connection with this application.

The Examiner is invited to contact the undersigned to discuss any matter concerning this application.

The Office is hereby authorized to charge any fees required under 37 C.F.R. §§ 1.16 or 1.17 or credit any overpayment to Kenyon and Kenyon Deposit Account No. 11-0600.

Respectfully submitted,

KENYON & KENYON

Date: July 17, 2002

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